



I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: October 26, 2004

Signature:

Shawn P. Foley
(Shawn P. Foley)

Docket No.:
MAIWAL 3.9-003 CONT
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Schulz et al.

Application No.: 10/820,269

Group Art Unit: 1744

Filed: April 8, 2004

Examiner: Not Yet
Assigned

For: DEVICE FOR HOLDING A SUBSTANCE
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RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

MAIL STOP MISSING PARTS
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P.O. Box 1450
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Dear Sir:

Enclosed for filing are an executed Declaration and Power of Attorney, Amendment in Response to Notice Under 37 C.F.R. §§ 1.821-825, Statement to Support Filing and Submission in Accordance with 37 C.F.R. §§ 1.821-825, paper copy of Sequence Listing and diskette containing Sequence Listing, all in connection with the captioned application. Please charge our Deposit Account No. 12-1095 in the amount of \$130.00 covering the fee set forth in 37 CFR 1.16(e). Also enclosed is a copy of PTO form entitled "NOTICE TO FILE MISSING PARTS OF APPLICATION" and Two-Month Extension Petition.

If the Examiner has any questions concerning this application, he or she is requested to call applicant's attorney at (908) 654-5000. If any additional fees are required by the present Communication, the Examiner is hereby authorized to

Application No.: 10/820,269

Docket No.: MAIWAL 3.9-003 CONT

charge them to our Deposit Account No. 12-1095.

Dated: October 26, 2004

Respectfully submitted,

By Shawn P. Foley
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JFW



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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/820,269	04/08/2004	Torsten Schulz	MAIWAL 3.9-003 CONT

CONFIRMATION NO. 8565

000530
 LERNER, DAVID, LITTENBERG,
 KRUMHOLZ & MENTLIK
 600 SOUTH AVENUE WEST
 WESTFIELD, NJ 07090



FORMALITIES LETTER



OC000000013092617

Date Mailed: 06/28/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

11/02/2004 MBLANCO 00000006 121095 10820269
 01 FC:1051 130.00 DA

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
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 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE